UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,806	04/21/2006	Yves Eonnet	33901-197PUS	9876

27799 7590 03/19/2008
COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER	
BATISTA, MARCOS	

ART UNIT	PAPER NUMBER
4134	

MAIL DATE	DELIVERY MODE
03/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,806	EONNET, YVES	
	Examiner	Art Unit	
	MARCOS BATISTA	4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/21/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5, 6, 9-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallinder et al. (US 6049712 A), hereafter "Wallinder," in view of Chan et al. (US 20030041245 A1), hereafter "Chan."

Consider claim 1, Wallinder discloses setting up a communications channel in a secure mobile telephony network (GSM) (**fig 3**) between mobile equipment (**20A**) of said user situated close to the terminal (**10A**) and an authentication unit (**34**) connected to said Internet type network (**see fig 3, fig 6B, col. 10 lines 49-50 and 56-60** – the DTMF transmission can also be performed from a GSM mobile to the cellular network (MCN) as shown in figure 6B, which shows GSM mobile that generates a DTMF digital sound carrying the user authentication information). Wallinder also teaches said mobile equipment (**20A**) sending a sound signal to said authentication unit (**34**) the sound signal being generated by the terminal on the basis of said digital code (see **fig 6B, col. 10 lines 49-50 and 56-60, col. 11 lines 27-38** – as shown in figure 6B, which shows GSM mobile that generates a DTMF digital sound carrying the user authentication information. In this illustration, the GSM mobile functions as the terminal and as the

DTMF transmitting unit). Wallinder also teaches authenticating said user on the basis: of the sound signal received via said mobile communications channel (GSM) (**see fig. 6B, col. 10 lines 49-50 and 56-60, col. 13 lines 63-67** – as figure 6B shows a GSM type phone and the DTMF signal can be sent using this phone. If the authentication information is verified, the user is granted access to the network). Wallinder further teaches and of an identifier (GSM - No) of said mobile equipment (**see col. 10 lines 65-67, col. 11 lines 1-3** - calling line identifier is the mobile number).

Wallinder discloses a telecommunication system where a user of a GSM mobile can be authenticated by sending DTMF digital code to an authentication unit. The DTMF digital code contains authentication information such as personal user id and mobile number and user account number of a user seeking access to the telecommunication network. The GSM mobile transmit the DTMF sound signal to the authentication unit, which is then compared for authentication. Wallinder, however, does not particular refer to the terminal downloading via said Internet type network a digital code from said authentication unit.

Chan teaches terminal downloading via said Internet type network a digital code from said authentication unit (**see [0007]** – a digital signature file is generated and transmitted via the Internet from one terminal to another with the purpose of performing authentication. If one terminal transmits and the other receives other the Internet that is called downloading a file).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wallinder and have it include to the terminal downloading via said Internet type network a digital code from said authentication unit, as taught by Chan. The motivation would have been in order to allow users to authenticate the digital signatures, and to securely transmit and receive the encoded files through Internet **(see [0008])**.

Consider claim 2, Wallinder, as modified by Chan teaches claim 1 above. Wallinder also teaches mobile equipment is a mobile telephone and said identifier of said mobile equipment is its telephone number (see Wallinder's fig 6B, col. 10 lines 65-67, col. 11 lines 1-3 - calling line identifier is the mobile number).

Consider claim 3, Wallinder, as modified by Chan teaches claim 1 above. Wallinder also teaches mobile equipment complies with the GSM standard, and said identifier of said mobile equipment is its IMEI code (see fig. 6B, col. 10 lines 49-50).

Consider claim 5, Wallinder, as modified by Chan teaches claim 1 above. Wallinder also teaches in order to proceed with said authentication, said identification unit samples the sound signal received by GSM (see Wallinder's col. 13 lines 63-67 -the access verification is done by comparing the received DTMF sound signal with stored user information). Wallinder further teaches compares the result of said sampling with a copy of said digital code stored by said authentication unit (see col.

13 lines 63-67 - the access verification is done by comparing the received DTMF sound signal with stored user information).

Consider claim 6, Wallinder, as modified by Chan teaches claim 1 above. Wallinder also teaches said sound signal is a DTMF code sequence (see col. 4 lines 55-61).

Consider claims 9-11, 13, and 14, these are system claims corresponding to method claims 1-3, 5, and 6. Therefore, they have been analyzed and rejected based upon the method claims 1-3, 5, and 6 respectively.

3. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallinder et al. (US 6049712 A), hereafter "Wallinder," in view of Chan et al. (US 20030041245 A1), hereafter "Chan," further in view of Mukherjee et al. (US 6289223 B1), hereafter "Mukherjee."

Consider claim 8, Wallinder, as modified by Chan teaches claim 1 above. Wallinder, however, does not particular refer to a step of said authentication unit sending an SMS to said mobile equipment, said SMS comprising the date and the result of said comparison step.

Mukherjee teaches step of said authentication unit sending an SMS to said mobile equipment, said SMS comprising the date and the result of said comparison step

(see fig 1, col. 3 lines 2-33 – Moore shows a mobile device receiving an SMS message containing the subscription status result).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wallinder as modified by Chan and have it include a step of said authentication unit sending an SMS to said mobile equipment, said SMS comprising the date and the result of said comparison step, as taught by Mukherjee. The motivation would have been in order to notify the user about the subscription result (see fig 1, col. 3 lines 2-33).

Consider claim 16, this is system claim corresponding to method claim 8. Therefore, it has been analyzed and rejected based upon the method claim 8 above.

4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallinder et al. (US 6049712 A), hereafter "Wallinder," in view of Chan et al. (US 20030041245 A1), hereafter "Chan," further in view of Moores et al. (US 20040132432 A1), hereafter "Moores."

Consider claim 4, Wallinder, as modified by Chan teaches claim 1 above. Wallinder, however, does not particular refer to creating a digital audio file (.WAV) from said digital code, said digital audio file being adapted to run automatically on the terminal in order to generate said sound signal. Moores teaches creating a digital audio file (.WAV) from said digital code, said digital audio file being adapted to run

automatically on the terminal (2) in order to generate said sound signal (see [0055] – Moores teaches converting audio signals from DTMF codes).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wallinder as modified by Chan and have it include creating a digital audio file (.WAV) from said digital code, said digital audio file being adapted to run automatically on the terminal in order to generate said sound signal, as taught by Moores. The motivation would have been in order to facilitate the transmission of coded signals to accomplish a specific tag (see [0055]).

Consider claim 12, this is system claim corresponding to method claim 4. Therefore, it has been analyzed and rejected based upon the method claim 4 above.

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallinder et al. (US 6049712 A), hereafter "Wallinder," in view of Chan et al. (US 20030041245 A1), hereafter "Chan," further in view of Sipman et al. (US 6889325 B1), hereafter "Sipman."

Consider claim 7, Wallinder, as modified by Chan teaches claim 1 above. Wallinder, however, does not particular refer to randomly generating said digital code prior to said downloading step and a destruction step of destroying said digital code after said authentication step or after a predetermined time period.

Sipman teaches randomly generating said digital code prior to said downloading step and a destruction step of destroying said digital code after said authentication step

or after a predetermined time period (see col. 4 lines 47-49, col. 8 lines 1-9 – a randomly digital signature profile is temporarily generated for authentication purposes. The profile is then deleted after the agreeable time and or verification).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Wallinder as modified by Chan and have it include randomly generating said digital code prior to said downloading step and a destruction step of destroying said digital code after said authentication step or after a predetermined time period, as taught by Sipman. The motivation would have been in order to provide a secure authentication method (see col. 4 lines 47-49).

Consider claim 15, this is system claim corresponding to method claim 7. Therefore, it has been analyzed and rejected based upon the method claim 7 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lun-Yi Lao can be reached at (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Marcos Batista
/M. B./
03/05/2008

/LUN-YI LAO/
Supervisory Patent Examiner, Art Unit 4134